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Letter dated 3 June 2011 from the Permanent Representative of Thailand to the United Nations addressed to the President of the Security Council

I have the honour to refer to the letter dated 24 May 2011 (S/2011/328) from the Permanent Representative of Cambodia to the President of the Security Council and to inform you of the following:

1. Thailand regrets that the letter presented an incomplete and misleading account of efforts being undertaken within the Association of Southeast Asian Nations (ASEAN) to support bilateral relations and negotiations between Thailand and Cambodia.

2. Thailand has been working closely with Indonesia, as the current ASEAN Chair, to implement the understanding reached during the informal ASEAN Foreign Ministers' Meeting in Jakarta on 22 February 2011. The process initiated by this meeting is progressing well, as demonstrated by the successful convening of the Thai-Cambodian Joint Boundary Commission in Bogor, Indonesia, on 7 and 8 April 2011, and the significant progress made in negotiations on matters relating to the Indonesian Observers.

3. The letter from the Permanent Representative of Cambodia was inconsistent with the will of the ASEAN leaders. The Chair's Statement at the eighteenth ASEAN Summit in Jakarta on 7 and 8 May 2011 states the following:

> "124. We emphasized the underlying norm and principle of ASEAN that differences between ASEAN Member States should be amicably resolved in the spirit of ASEAN solidarity, in accordance with the principles contained in the Treaty of Amity and Cooperation in Southeast Asia and the ASEAN Charter.
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> "125. We welcomed Cambodia's and Thailand's commitment to peacefully resolve their differences through political dialogue and negotiations with a view to achieving a mutually acceptable solution through the fullest utilization of their existing bilateral mechanism, with appropriate engagement of Indonesia, current Chair of ASEAN. In this regard, we appreciate that Cambodia and Thailand have agreed on the text of the Terms of Reference on the Indonesian Observers Team in the affected areas following the incidents in February 2011 and encourage the attainment of an environment conducive to their assignment. We also expressed our appreciation and support for the continuing effort of Indonesia, current Chair of ASEAN, to facilitate the

process through its appropriate engagement which would help advance our collective efforts to attain the ASEAN Community."

4. Thailand is firmly committed to continuing to work closely with Indonesia to sustain and build on the positive momentum, especially since the eighteenth ASEAN Summit in Jakarta, namely, the meeting between Thai, Cambodian and Indonesian Foreign Ministers in Jakarta on 9 May 2011, and the agreement between Thai and Cambodian Defence Ministers during their meeting in Jakarta on 18 May 2011.

5. Thailand looks forward to the forthcoming Thai-Cambodian General Border Committee (GBC) meeting to be co-chaired by Thai and Cambodian Defence Ministers and a survey team to be sent by Indonesia in accordance with the latest agreement between Thai and Cambodian Defence Ministers on 18 May 2011. This agreement was made with the full acknowledgement of the Indonesian President, Defence Minister and Foreign Minister. Thailand is now waiting for an invitation from Cambodia, which is scheduled to host the next GBC meeting.

6. Thailand wishes to emphasize that an environment conducive to the full assignment of the Indonesian Observers as envisioned by the ASEAN leaders can be attained only when the Phra Viharn Temple, the "Keo Sikha Khiri Svara" pagoda and the nearby market and community have been demilitarized. It is unacceptable that Cambodia has continued to ignore Thailand's consistent calls for the removal of Cambodian military personnel from these locations, which is essential for the strengthening of mutual confidence and ensuring lasting peace in the area. Thus, the continued insistence of Cambodia on militarizing these locations would not only run counter to the spirit of peace and ASEAN solidarity, but also violate the spirit and purposes of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage, as well as the 2000 memorandum of understanding between Thailand and Cambodia on the survey and demarcation of the land boundary. There is no reason why Cambodia cannot take this step if it is serious and sincere about peace. Thailand has always stressed this point with Indonesia throughout the negotiation process concerning the draft Terms of Reference for the Indonesian Observers and appreciates Indonesia's understanding of its vital importance.

7. On 26 May 2011, Thai and Indonesian Foreign Ministers met again in Bali in keeping with their commitment to maintaining close consultations. Both Ministers shared the view that the bilateral process between Thailand and Cambodia, with the appropriate engagement of Indonesia, is moving in a positive direction and all efforts should be made to sustain and build on this positive momentum.

I have the honour to request that the present letter be circulated to all Security Council members for their information and issued as a document of the Security Council.

(*Signed*) Norachit **Sinhaseni**
Ambassador and Permanent Representative
of the Kingdom of Thailand to the United Nations